

Amendment to Lake Improvement Law PA 451 of 1994 Section 30929

The reason for the amendment:

When a lake board is established only those person that live on the lake can cause the Lake Board to be established. After the board is established and the advice of a consulting engineer has recommended that not only those living on the lake but those having access to the lake in varying degrees will also be taxed in varying amounts by category.

The amendment to the law in 1994 provided a way to dissolve a lake board, basically to reverse the process of establishing a lake board. The problem is that when the lake improvement board expands the parcels that are assessed there is no recourse for the owners of the out lots to effect their assigned assessment.

If persons are taxed by the Lake Board then they should have a say in dissolving the board.

This Bill would Amend the Lake Board statue to give property owners that are not riparian (lake front) owners a roll in the dissolving of the lake board.

They are on the special assessment role for the SAD.

Tom Middleton, Oakland County Commissioner, Member of 7 Lake Boards

ACCORDING TO THE STATUTE...

Section 30929. A lake board for a public inland lake is dissolved if all of the following requirements are met:

- (b) The governing body of each local unit of government in which all or part of the lake is located holds a public hearing on the proposed dissolution, determines that the lake board is no longer necessary for the improvement of the lake because the reasons for the establishment of the lake board no longer exist, and approves the dissolution of the lake board. The governing body of each local unit of government in which all or part of the lake is located may hold the public hearing on the dissolution of the lake board upon petition of 2/3 of the freeholders owning land abutting the lake. Notice of the public hearing shall be published twice in a newspaper of general circulation in each local unit of government in which all or part of the lake is located. The first notice shall be published not less than 10 days before the date of the hearing.
- (c) All outstanding indebtedness and expenses of the lake board are paid in full.
- (d) Any excess funds of the lake board are refunded based on the last approved special assessment roll. However, if the amount of excess funds is de minimis, the excess funds shall be distributed to the local units of government in which all or part of the lake is located, apportioned based on the amounts assessed against each local unit of government and lands in that local unit on the last approved special assessment roll.
- (e) The lake board determines that it is no longer necessary for the improvement of the lake, because the reasons for its establishment no longer exist, and adopts an order approving its dissolution.

Enacting Section 1. This amendatory act takes effect March 1, 2005.

This act is ordered to take immediate effect.